

REMARKS

In response to the above-identified Office Action, Applicant amends the application and seek reconsideration thereof. In this reply, Applicants amend claims 1 and 8. Applicants do not cancel or add any new claims. Accordingly, claims 1-14 (2 independent claims, 14 total claims) are pending.

Claims Rejected Under 35 U.S.C. § 112

The Examiner rejects claims 5 and 11 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Applicants respectfully traverse the rejection.

Claims 5 and 11 each recite the elements of "toe-up factor". Paragraph [0017] of Applicants' specification states that "a toe thickness d_{toe} [is] equal to [a] heel thickness d_{heel} multiplied by a toe-up factor k ." As such, the toe-up factor is the heel thickness multiplied by a factor (approximately 1.2 to 1.4). For example, if the heel has a thickness of 2 inches, the toe will have a thickness of 2.4 to 2.8 inches ($(2 * 1.2)$ to $(2 * 1.4) = 2.4$ to 2.8 inches). Therefore, Applicants submit claims 5 and 11 are enabled by Applicants' specification. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 5 and 11.

Claims Rejected Under 35 U.S.C. § 102

The Examiner rejects claims 1 and 7 under 35 U.S.C. § 102(b) as being anticipated by Fujimaru (JP 2001-037928). Applicants amend claim 1.

Among other elements, claim 1, as amended, defines "a putter club head comprising a club head body having toe region, a heel region, a sole, and a top surface opposite said sole...wherein said club head body is configured such that when said sole is substantially parallel with a reference surface, said top surface is substantially parallel with said reference surface." Applicants have reviewed Fujimaru in its entirety and submit Fujimaru fails to teach at least

these elements of claim 1 because Fujimaru is not concerned with the top surface and how it pertains to alignment. Rather, Fujimaru teaches a bulge configuration of a striking surface of the putter to influence the ball to roll in a desired direction at a desired speed. Therefore, Fujimaru fails to teach each of the elements of claim 1.

The failure of Fujimaru to teach each of the elements of claim 1 is fatal to the anticipation rejection. Therefore, claim 1 is not anticipated by Fujimaru. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1.

Claim 7 depends from claim 1 and includes all of the elements thereof. Therefore, Applicants submit claim 7 is not anticipated by Fujimaru at least for the same reasons as claim 1, in addition to its own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 7.

Claims Rejected Under 35 U.S.C. § 103

The Examiner rejects claims 3-6 under 35 U.S.C. § 103(a) as being obvious over Fujimaru. Applicants amend claim 1.

Claims 3-6 depend from independent claim 1 and include each of the elements thereof. Applicants have discussed the teaching of Fujimaru above and submit the discussion above regarding Fujimaru failing to teach at least "a putter club head comprising a club head body having toe region, a heel region, a sole, and a top surface opposite said sole...wherein said club head body is configured such that when said sole is substantially parallel with a reference surface, said top surface is substantially parallel with said reference surface" is equally

applicable to dependent claims 3-6. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 3-6.

The Examiner rejects claims 2 and 8-14 under 35 U.S.C. § 103(a) as being obvious over Fujimaru in view of U.S. Patent No. 3,819,180 issued to Murphy ("Murphy"). Applicants amend claims 1 and 8.

Claim 2 depends from claim 1 (discussed above), and claim 8, as amended, recites a putter club head comprising a club head body having toe region, a heel region, a sole, and a top surface opposite said sole...wherein said club head body is configured such that when said sole is substantially parallel with a reference surface, said top surface is substantially parallel with said reference surface" similar to claim 1. Therefore, Applicants submit the discussion above regarding Fujimaru failing to teach or suggest every element included in claim 1 is equally applicable to similar elements recited in claims 2 and 8. Therefore, each of the elements of claims 2 and 8 are not taught or suggested by Fujimaru. The Examiner relies on Murphy, however, Applicants submit Murphy fails to cure the defects of Fujimaru.

The Examiner relies on Murphy to teach a hosel located at substantially the midpoint between a toe and heel of a putter. The Examiner does not cite Murphy as showing "a putter club head comprising a club head body having toe region, a heel region, a sole, and a top surface opposite said sole...wherein said club head body is configured such that when said sole is substantially parallel with a reference surface, said top surface is substantially parallel with said reference surface." Furthermore, Applicants have reviewed Murphy in its entirety and cannot discern any sections of Murphy that teach such. Therefore, Murphy fails to cure the defects of Fujimaru.

The failure of the combination of Fujimaru and Murphy to teach or suggest each of the elements of claims 2 and 8 is fatal to the obviousness rejection. Therefore, claims 2 and 8 are not obvious over Fujimaru in view of Murphy. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 2 and 8.

Claims 9-14 depend from claim 8 and include all of the elements thereof. Therefore, Applicants submit claims 9-14 are not anticipated by Fujimaru in view of Murphy at least for the same reasons as claim 8, in addition to its own respective features. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 9-14.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned.

If necessary, the Commissioner is hereby authorized to charge payment or credit any overpayment to Deposit Account No. 1928-14 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

Dated: 5/13/05

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